

**REMARKS**

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 8-15 and 20-27 are currently pending.

Claims 20, 21 and 23-27 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thompson et al. (U.S. Patent Number 6,484,011 B1) in further view of Ben-Ze'ev (U.S. Patent Number 6,791,467 B1), Williams et al. (U.S. Patent Number 5,977,964) and Eggen et al. (U.S. Patent Number 6,388,715 B1). Initially Applicant notes that this portion of the Official Action, in addition to the four patents cited above, also refers to Official Notice (claim 25) and the Chang patent application (U. S. 2004/0168187 A1) (claim 26). Thus in rejecting independent claim 26, the Official Action is taking bits and pieces from 5 different patents to reach a point where the Examiner contends that a prima facie case of obviousness has been established. For this, and other reasons discussed below, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to have arrived at Applicant's claimed combinations.

**Claim 23**

Starting with independent claim 23, the Thompson et al. patent is used as a primary reference into which the Official Action merges numerous subsections of various other patents in order to allege obviousness. For example, from the Official Action:

"However, the Thompson et al. reference is silent as to the remote controller receiving data that indicates the occurrence of a scheduled event. Now note the Ben-Ze'ev reference that discloses an adaptive remote controller wherein "the application file may cause the remote controller to activate some sounds. For example, if the water in a kettle has reached the boiling temperature (or any temperature that may be set by the user), the kettle may send or activate an application at the remote controller that first sounds an alarm (such as 'beep-beep-beep'), and then confirms this fact on the screen, e.g., by a message: 'The water is boiling' (Ben-Ze'ev 10:1-25). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. remote controller with the Ben-Ze'ev remote controller with event alerts for the purpose of providing a user feedback regarding events of interest in situations where a user may not be in close proximity to the device."

Applicant respectfully submits that, absent reference to the present specification, there would have been no motivation to modify the annunciator of Thompson based on the teachings of Ben-Ze'ev because (other than being outside of reception range from the host unit) the user of the Thompson wireless information presentation device has no device with which it needs to be in close proximity to for the purpose of receiving feedback regarding events of interest. That is, Thompson does not suggest any "events of interest" that would have motivated this change, e.g., analogous to the boiling water example of Ben-Ze'ev pointed out in the Official Action.

The Official Action then goes on to further modify the combined device of Thompson et al. and Ben Ze'ev, as described above, with Williams et al. and Eggen to meet two additional shortcomings of the Thompson et al. and Ben Ze'ev combination. More specifically, as stated in the Official Action:

(1) "the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. and Ben-Ze'ev data displaced on remote control device including event related alerts with the Williams et al. reminder prompts for the purpose of providing users easily accessible alerts for program events such as during periods when a television display is in an off state or the user is not near the television device."

and

(2) "the examiner submits that it would have been further obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al., Ben-Ze'ev, and Williams et al. combination remote control reminder prompts with the Eggen et al. characteristic sounds for reminders for the purpose of allowing a user to quickly identify the type of reminder notification presented (Eggen 2:1-13)."

The undersigned respectfully submits that this statement of motivation regarding (1) must be considered impermissible hindsight reference to Applicant's own specification because Williams is only concerned with providing prompts to a user when the system is on, as implied by Williams' provision of prompts via interactive pop-up windows (see col. 11, lines 49-53). Thus the statement made in the Official Action regarding operation of the system described in Williams when a television is in an off-state is pure speculation used to fill a void in the teachings of the applied documents even with the addition of the Ben Ze'ev reference.

Regarding (2), although the cited sections of Eggen (col. 2, lines 1-13; col. 1, lines 56-63) teach reproducing, by a television receiver, an auditive signal which is characteristic of the program category of the selected television program when the television program is about to be broadcast and that the auditive signal can have a parameter which can be manipulated to be indicative of the time to lapse until the start of the selected television program, such a teaching, by itself, is not sufficient to have motivated one of ordinary skill in the art to have modified Ben-Ze'ev, which in turn is being grafted onto Thompson to include such a feature in a remote control device.

Accordingly, Applicant respectfully submits that claim 23 is patentably distinguishable over the cited documents because one of ordinary skill in the art would not have been motivated to have combined the references in the various ways needed to have arrived at Applicant's claimed combinations. Even assuming, strictly arguendo, that one of ordinary skill in the art would have been motivated to combine the teachings of Eggen with those of Ben Ze'ev and Thompson, at best such a combination would have resulted in an auditive signal being sent to the receiver of Thompson et al.

**Claim 25**

Regarding claim 25, the Official Action correctly notes that the combination of Thompson, Ben-Ze'ev, Williams et al., and Eggen et al. fail to teach or suggest the feature of "wherein said processor detects activation of said input device and, responsive thereto, said processor turns off said customized alert". The Official Action then takes Official Notice that it is "notoriously well known in the art" to silence an alarm and that, therefore, it would have been obvious to have modified the combination of Thompson, Ben-Ze'ev, Williams et al., and Eggen et al. to have included this feature. Applicant respectfully traverses this ground of rejection and request that, pursuant to MPEP Section 2144.03, the Examiner provide a reference to support this taking of Official Notice. Regardless of whether such a feature is, per se, known in the art, Applicant will need to review the as yet uncited document to determine whether or not one of ordinary skill in the art would have been motivated to make the combination alleged in the Official Action, particularly where (as here)

such a document will be the fifth reference used in combination to even arguably reach Applicant's claim 25 combination.

### **Claim 26**

The arguments presented above with respect to claim 23 are reiterated here with respect to claim 26 as they are similarly applicable. However, in order to even allege a prima facie case of obviousness, the Official Action adds a fifth (5) reference to the mix. From the Official Action:

"Note, the Thompson et al. reference discloses '[i]f desired, back-lighting can be provide for illuminating the visual display 14' (Thompson 7:47-48). However, the Thompson et al. reference is silent as to the implementation of the back-lighting. Now note the Chang reference that discloses a talking remote control with display. The claimed "a light source in communication with the processor" is met by'[t]he microcontroller 46 also controls a light 52 for illuminating the display screen 12 and an IR transmitter 54 for controlling other devices' (Chang [0020]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Thompson et al. back-lighting option with the Chang light source in communication with the processor for the purpose of providing an user the ability to use remote controller functions in low light conditions and a method to control activation of the light source."

Applicant respectfully submits that even if one of ordinary skill in the art would have been motivated to make the suggested combination described in the above text, the result would still not be the same as Applicant's claim 26 combination. Specifically claim 26 includes "a motion detector in communication with the processor, wherein said processor can retrieve instructions from said storage area and then sends a signal to a light source to illuminate a portion of said input device." While Thompson does describe that a motion detector can be coupled to a microprocessor (col. 5, lines 46-47), Thompson does not teach that the result of this coupling can be a signal to a light source to illuminate a portion of the device.

Another difference between Applicant's claim 26 combination and Chang is the method of activating the light source. In Chang [0023] activating the light source is described as "Pressing LIGHT button 30 activates the light, preferably illuminating the display screen 12 for about 15 seconds", whereas in Applicant's claim 26 combination, the method of light source activation begins with a "motion detector in communication with the processor."

Therefore, Applicant respectfully submits that the claim 26 is patentably distinguishable over the cited documents because one of ordinary skill in the art would not have been motivated to have combined the references in the manner needed to have arrived at Applicant's claimed combinations. Similar comments apply to dependent claims 20, 21, 24, 25 and 27.

Claims 8-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thompson et al. (U.S. Patent Number 6,484,011 B1) in further view of Ben-Ze'ev (U.S. Patent Number 6,791,467 B1) and Williams et al. (U.S. Patent Number 5,977,964). Similar arguments as described above with respect to claim 23 also apply to claim 8. Therefore, Applicant respectfully submits that claim 8 is patentably distinguishable over the cited documents because one of ordinary skill in the art would not have been motivated to have combined the references in the manner needed to have arrived at Applicant's claimed combinations. There is no explicit or implicit teaching in the cited documents which would have motivated one of ordinary skill in the art to have arrived at Applicant's claim 8 combination of elements. Similar comments apply to dependent claims 9-11.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thompson et al. (U.S. Patent Number 6,484,011 B1) in further view of Ben-Ze'ev (U.S. Patent Number 6,791,467 B1), Williams et al. (U.S. Patent Number 5,977,964), Eggen et al. (U.S. Patent Number 6,388,715 B1) and Croy et al. (U.S. Patent Number 6,509,908 B1). It is respectfully submitted that this dependent claim is allowable for at least the reasons set forth above with respect to claim 23 from which it depends.

Claims 12-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thompson et al. (U.S. Patent Number 6,484,011 B1) in further view of Ben-Ze'ev (U.S. Patent Number 6,791,467 B1), Williams et al. (U.S. Patent Number 5,977,964) and Croy et al. (U.S. Patent Number 6,509,908 B1). It is respectfully submitted that these dependent claims are allowable for at least the reasons set forth above with respect to independent claim 8 from which they ultimately depend.

All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that this application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, he is invited to contact the undersigned at (540) 361-1863.

Respectfully submitted,

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Date: December 7, 2005

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